IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 2116 of 2004

HIMMAT SINGH
V/S
A.D.J. (FAST TRACK) & ORS.

Mr. SUDHIR SARUPARIA, for the appellant / petitioner

Mr. JK CHANDA, for the respondent

Date of Order : 14.9.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties. So far as the rejection of prayer made under Order 14 R.5 CPC is concerned, perusal of order dated 30.4.2004 shows that learned trial court has clearly held that question as to whether the order was passed beyond jurisdiction, is already covered by the frame of issue no.1? I do not find any sufficient ground to interfere with this order. So far as closure of evidence is concerned, vide order dated 1.6.2004, this court had ordered that petitioner will be permitted to lead evidence provided he pays a cost of Rs. 2000/- to the respondents, and case be listed in July,2004. It is not in dispute that cost has been paid and some evidence has already been led by the petitioner.

In these circumstances, I think it proper to dispose of the writ petition with the direction that petitioner shall produce all his evidence, whatever he wants to produce, on the next date of hearing, already fixed in the trial court which is said to be 26.9.2004, and the trial court is directed to record the statements of all such witnesses, produced on that date. It is made clear here that if for any reason of the court, statements are not recorded, the trial court shall record the

statement of witnesses on next date, and witnesses will be bound-down to appear on the next date, to be fixed by the trial court. It is further made clear here that in case petitioner fails to produce witnesses on 26.9.04, he will not be entitled to any further opportunity. The trial court is directed to decide the suit expeditiously.

(N P GUPTA),J.

/Srawat/